

Manchin	Pryor	Stabenow
Markey	Reed	Tester
McCain	Reid	Thune
McCaskill	Risch	Toomey
McConnell	Roberts	Udall (CO)
Menendez	Rockefeller	Udall (NM)
Merkley	Rubio	Walsh
Mikulski	Sanders	Warner
Moran	Schatz	Warren
Murphy	Schumer	Whitehouse
Murray	Scott	Wicker
Nelson	Sessions	Wyden
Paul	Shaheen	
Portman	Shelby	

## NOT VOTING—9

Alexander	Boozman	Heller
Baldwin	Corker	Murkowski
Begich	Graham	Vitter

The nomination was confirmed.

#### NOMINATION OF STEVEN CROLEY TO BE GENERAL COUNSEL OF THE DEPARTMENT OF ENERGY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the following nomination, which the clerk will report.

The assistant bill clerk reported the nomination of Steven Croley, of Michigan, to be General Counsel of the Department of Energy.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided in the usual form.

Mr. LEVIN. Mr. President, I am pleased to support the nomination of Steven Croley to be the next General Counsel at the Department of Energy. Nominated in August 2013, Dr. Croley has served the Obama administration since 2010, including as Deputy Assistant to the President, Deputy White House Counsel, and Special Assistant to the President for Justice and Regulatory Policy at the Domestic Policy Council. A native of DeWitt, MI, Dr. Croley earned his undergraduate degree from the University of Michigan, where he later went on to teach at the law school after obtaining his juris doctor from Yale Law School and a Ph.D. from Princeton. At the University of Michigan, Dr. Croley was named the Harry Burns Hutchins Collegiate Professor of Law and served as the law school's associate dean for academic affairs, teaching and publishing in the areas of administrative law, civil procedure, regulations, and other areas. He has also served as a special assistant to the U.S. attorney for the Eastern District of Michigan and clerked for Judge Stephen Williams at the U.S. Court of Appeals for the D.C. Circuit. An often-cited authority on regulatory policy and administrative law, he is a co-author of the book "What Agencies Do: The Fourth Branch in Operation," scheduled to be published soon. I am confident his work on regulatory law, administrative procedure, rulemaking, and litigation experience will serve as a constructive framework for his efforts at the Department of Energy. With the support and sacrifice of his family—wife Bridget Mary McCormack, who is currently serving as a justice of the Michigan Supreme Court, and four children, Jack, Anna, Harry,

and Matt—Dr. Croley will make valuable contributions to the work of the Department and the Nation.

Mr. REID. Mr. President, I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Steven Croley, of Michigan, to be General Counsel of the Department of Energy?

The nomination was confirmed.

Mr. REID. Mr. President, the Republican leader and I are going to have a short colloquy here. There will be one more rollcall vote tonight. The next rollcall vote will be tomorrow.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table. The President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS ACT OF 2014—Resumed

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that all filed amendments to Calendar No. 368, S. 2262, be in order for floor consideration of this bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, we had an agreement to do the bill. Then we changed it to do it with Keystone. That is still our agreement. We are willing to do this bill, energy efficiency, which is such a good bill. We are in agreement that we could have an up-or-down vote very shortly thereafter on Keystone.

So without going through all of the details, that is what I want to do. He does not want to do that. I object to his unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, therefore, I propose a different unanimous consent agreement. I ask unanimous consent that the only amendments in order be five amendments from the Republican side related to energy policy with a 60-vote threshold on adoption of each amendment. I further ask that following the disposition of these amendments, the bill be read a third time, and the Senate proceed to vote on passage of the bill, as amended, if amended.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

#### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented

under Rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 2262, a bill to promote energy savings in residential buildings and industry, and for other purposes.

Harry Reid, Jeanne Shaheen, Edward J. Markey, Christopher A. Coons, Tammy Baldwin, Patty Murray, Richard J. Durbin, Barbara Boxer, Maria Cantwell, Ron Wyden, Robert Menendez, Jon Tester, Debbie Stabenow, Bill Nelson, Thomas R. Carper, Patrick J. Leahy, Mark R. Warner.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 2262, a bill to promote energy savings in residential buildings and industry, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Alaska (Mr. BEGICH) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Tennessee (Mr. CORKER), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay," the Senator from Arkansas (Mr. BOOZMAN) would have voted "nay," and the Senator from Tennessee (Mr. CORKER) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 36, as follows:

[Rollcall Vote No. 142 Leg.]

#### YEAS—55

Ayotte	Heinrich	Portman
Bennet	Heitkamp	Pryor
Blumenthal	Hirono	Reed
Booker	Johnson (SD)	Rockefeller
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Landrieu	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Manchin	Udall (CO)
Coons	Markey	Udall (NM)
Donnelly	McCaskill	Walsh
Durbin	Menendez	Warner
Feinstein	Merkley	Warren
Franken	Mikulski	Whitehouse
Gillibrand	Murphy	Wyden
Hagan	Murray	
Harkin	Nelson	

#### NAYS—36

Barrasso	Chambliss	Cochran
Blunt	Coats	Cornyn
Burr	Coburn	Crapo

Cruz	Johanns	Risch
Enzi	Johnson (WI)	Roberts
Fischer	Kirk	Rubio
Flake	Lee	Scott
Grassley	McCain	Sessions
Hatch	McConnell	Shelby
Hoeven	Moran	Thune
Inhofe	Paul	Toomey
Isakson	Reid	Wicker

## NOT VOTING—

Alexander	Boozman	Heller
Baldwin	Corker	Murkowski
Begich	Graham	Vitter

The PRESIDING OFFICER. On this vote the yeas are 55, the nays are 36. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on S. 2262.

The PRESIDING OFFICER. The motion is entered.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I understand there are several Senators on the floor who wish to speak on several important subjects. I would like to talk for about 5 to 7 minutes on the vote that just occurred and to give some concluding remarks on the Keystone Pipeline and the failure of the Senate to take the opportunity presented today to move forward in a bipartisan, cooperative fashion and adopt two important and significant steps toward building a more aggressive, a more dynamic, and a more comprehensive domestic energy policy for the United States of America.

It is a shame that after all of the hard work that has gone into this, it has basically ended in a draw tonight. Senators SHAHEEN and PORTMAN could not have worked harder together to produce a bill that creates thousands of jobs for our country. They brought their bill, as is the order, to the Senate energy committee. Senator WYDEN served as chair of that committee for the last several years. I just stepped into the chairmanship in the last 8 weeks, but I have committed to both these terrific leaders and the former chair that I would try to advance one of the important bills that came out of our committee.

There have been 300 bills filed this Congress in the energy committee. There have been 13 that have passed. This would have been the 14th. I thought it was important to pair it with the Keystone Pipeline because while there is strong support for the efficiency bill on the Democratic side and significant support on the Republican side, the Republican leaders wanted to build—and many of us, including myself—the Keystone Pipeline. In fact, Senator MCCONNELL said on April 29—not too long ago—that Keystone “would produce significant economic benefits.” On May 6 Senator THUNE said that we “will have shovel-ready jobs associated with it.” On May 7 Senator CORNYN said, “build this pipeline so we can safely transport oil.” Senator ALEXANDER said that “after 5 years of delays, there is simply no reason not to let the Keystone XL

Pipeline move forward.” On April 29 Senator ENZI said, “How many times have we been through this?” Senator INHOFE: “. . . no longer have a valid reason to stall.” Senator TOOMEY said, “It is time for Congress to step up and do what the President hasn’t—authorize this pipeline.” We had an opportunity just a few minutes ago for these Senators to do exactly that, but they chose to have an issue as opposed to having a pipeline, and that is very disappointing.

The efficiency bill that came out of the committee, contrary to what has been said on this floor over and over again—that the problem was that HARRY REID would not allow amendments—was amended in committee several times before the bill came out. There are Republican and Democratic members of the committee, and it came out of the committee on a vote of I think 19 to 3.

When the bill was brought to the floor approximately 6 or 7 months ago, Senators SHAHEEN and PORTMAN allowed 10 additional amendments—10 additional amendments—by Members on the Democratic and Republican side. I am going to read those amendments into the record so that nobody can report or continue to say that the reason we are here is because there weren’t amendments that were offered.

This bill was well negotiated. For the record, the first amendment was added by Senator COLLINS and Senator UDALL on energy-efficient schools—Senator COLLINS, a Republican from Maine. No. 2 was a better-buildings amendment by Senators AYOTTE and BENNET—a Republican from New Hampshire. There was a data center amendment—the fourth amendment added to the base of this bill—by Senator RISCH, a Republican Member. The fifth amendment was again a Collins amendment—low-income housing retrofits. That was a Collins-Whitehouse amendment. The ENERGY STAR third-party testing was an amendment I offered along with Senator WICKER, a Republican from Mississippi. Another was the Wicker-Landrieu-Pryor amendment—Federal green buildings adjustment so that some of our products that are used to promote energy efficiency would not be disqualified. It was a very important amendment, and Senator SHAHEEN and Senator PORTMAN agreed to that. Senator HOEVEN, a Republican, offered an amendment creating an exemption for thermal storage water heaters. That amendment was put in. And then there was a Hoeven-Manchin-Isakson-Bennet amendment—energy efficiency in Federal residential buildings. That amendment was put in the base bill. Finally, the 10th amendment was by Senator SESSIONS and Senator PRYOR requiring DOE to recognize voluntary independent certification programs.

So this argument that the reason we can’t have a vote on the Keystone Pipeline is because Democrats will not allow amendments is completely bogus—completely bogus—and anyone following this debate knows that.

Senators SHAHEEN and PORTMAN compromised. And as the new chair of the committee, I thought that if the Republicans wanted a vote on Keystone, we could at least offer that, and I thought that was a big step—I mean, a big step. I guess it was so big they decided they didn’t want to take it, because they could have had a vote on Keystone. They can’t take yes for an answer. I thought that was a big step forward, a big improvement over where we were about 6 months ago where we had 3 Democrats—we now have almost 11, and the number is growing—who supported Keystone.

And it is not because people are not respectful of the President’s position. He is entitled to have his own position. Some of us just strongly disagree with it. The studies are in. The environmental studies are in. This is a rounding error when it comes to increased carbon emissions. And it is a hugely important impact for safety to get oil transported by the safest route possible—pipeline—as opposed to these tankers rolling alongside our children and schoolbuses on our highways or rolling through our communities on rail. We have already seen a number of horrific accidents.

So here I am, the new chair of the committee, and I thought, well, this could be possible. We have an efficiency bill Democrats like, and we have Keystone, which the Republicans really want to get done. Why don’t we just offer them together? It makes perfect common sense to everyone in America—cooperation and common sense—but that is in short supply here in the Senate, and it is very disappointing.

I know it is an election year. I am reminded about that every day by my colleagues. But I thought this was bigger than the campaign. It is about jobs, it is about middle class, it is about strengthening domestic energy, and it is about being balanced in our approach. I know if Democrats were completely in charge they would write an energy bill one way, and if Republicans were completely in charge they would write it a different way. But this isn’t fairyland. This is Washington, DC, and we have a split Congress. So I thought bringing an efficiency bill that has over 200 organizations, from the Environmental Defense Fund to the chamber of commerce—and Senator SHAHEEN and Senator PORTMAN have put together an absolutely magnificent coalition—not seen very often around here, to tell the truth. And the Keystone Pipeline has won over its critics. There were a lot of critics in the beginning. There still are very loud critics, but I think the evidence is showing the importance of building this Keystone Pipeline.

As chair, I intend to be as fair as I can be with both parties, and putting things on this floor we can be proud of together, where everybody takes a little and gives a little and we move forward. But, no, that is not enough for

the Republican leader. The Republican leader wants an issue; he does not want the pipeline. I hope the people of Kentucky will remind him how important the pipeline is.

So I am going to ask unanimous consent—I am going to read this into the RECORD, all this formal language, but I want people to know what my consent request really is. I am going to ask unanimous consent that at sometime before May 22, which would be about 2 weeks from today, or a week and a half, this Senate have a straight-up vote after 3 hours of debate on the Shaheen-Portman bill that already has 10 Republican amendments included in it and that 3 hours later or at some certain time later, we have a straight-up vote on the Keystone Pipeline.

That is what this unanimous consent request I am going to read into the RECORD says, but it is a little bit confusing when you hear it, so I want people to know really clearly what it is I am asking.

Mr. President, I ask unanimous consent that sometime before May 22 there would be a vote straight up on Keystone and on the efficiency legislation, which already has 10 Republican amendments—bipartisan amendments led by Republican Members—included in the bill, and I ask for that now with a 60-vote threshold.

So I ask unanimous consent that with respect to S. 2262, the pending motion to commit and amendments be withdrawn, with the exception of the substitute amendment; that at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate resume consideration of S. 2262, that the substitute amendment be agreed to; that there be no other amendments, points of order or motions in order to the bill other than budget points of order and the applicable motions to waive; that there be up to 3 hours of debate on the bill, equally divided between the two leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on passage of the bill, as amended; that the bill be subject to a 60-affirmative vote threshold; that if the bill is passed, the Senate proceed to the consideration of Calendar No. 371, S. 2280—which would be Keystone—at a time to be determined by the majority leader, after consultation with the Republican leader, but no later than Thursday, May 22, 2014; that there be no amendments, points of order or motions in order to the bill other than budget points of order and the applicable motions to waive; that there be up to 3 hours of debate on the bill, equally divided between the two leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on passage of the bill; that the bill be subject to a 60-affirmative vote threshold.

The PRESIDING OFFICER. Is there objection?

Mr. FLAKE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I understand there are 75 amendments filed at the desk to this bill. Some of them are mine. Twenty-four of them have been filed by Democratic Senators who hope to offer them to this bill.

We keep hearing about amendments that are being allowed. These are amendments or amendment language which has been drafted into a manager's amendment to the bill, not to be offered on the floor. I should note that the vote on the Keystone Pipeline is one of those amendments that could be offered to the bill if there was agreement to move ahead.

So I ask unanimous consent that the unanimous consent be modified so that all filed amendments to Calendar No. 368, S. 2262, be in order for floor consideration of this bill.

The PRESIDING OFFICER. Does the Senator so modify the request?

The Senator from California.

Mrs. BOXER. I reserve my right to oppose this modification, and I wish to briefly explain why, as my colleague explained his reason why he wanted to modify.

I think what Senator LANDRIEU has offered is what everybody in this country thought we were going to do. Senator LANDRIEU and I disagree on Keystone. No one could be a stronger advocate for Keystone than she is, period.

I believe tar sands should not be brought into this country the way they would be brought in at a 45-percent increase with this pipeline—eventually 300 percent. We could have had a robust debate. The Senator and I would have been respectful and caring about each other, but we would have disagreed. We could have had the vote.

Maybe I am old-fashioned, but I believe when you give your word, you keep your word. Leadership was very clear that if we were able to give the Republicans and Senator LANDRIEU a vote on Keystone, we could move forward with Shaheen-Portman, a bipartisan, incredibly important energy efficiency bill.

Instead, what we know is Republicans want to offer—and it is in my jurisdiction so I can speak about it—environmental riders, the likes of which I have never seen in one grouping, essentially repealing the essence of the Clean Air Act that was signed into law in 1970 by Richard Nixon, and the 1990 amendments which were signed into law by George Herbert Walker Bush. They want to put those on this bill. You have got to be kidding. Something as serious as that?

So I object to the modification.

Ms. LANDRIEU. Given Senator BOXER's comments, I am unable to modify my request. I hope we can move forward at some time with a vote on the energy efficiency bill and on the Keystone Pipeline.

The PRESIDING OFFICER. There is objection to the modification. Is there objection to the original request?

Mr. FLAKE. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from California.

Mrs. BOXER. Mr. President, before Senator SHAHEEN and other Senators leave, I wish to say how disappointed I am, because energy efficiency is so good for this country, and they have stopped it because they want to repeal the Clean Air Act. Let's call it what it is. It is really a sad state of affairs.

I was so looking forward not only to the debate on energy efficiency, but, frankly, the debate on the Keystone Pipeline, which my Republican friends say is a major priority. If they felt it was a major priority, why have they filibustered this bill when we could have made that deal which they came up with in the first place?

So I am very disappointed. I hope we will have another chance to pass this bipartisan energy efficiency bill that Senator SHAHEEN and Senator PORTMAN worked so hard on.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, the notion that Republicans are trying to repeal the Clean Air Act—if somebody were offering an amendment to that, then it would simply be defeated on this floor.

Let the amendments be offered. That is what the Senate is all about. This is a place of unlimited debate and usually unlimited amendments. But we are told now they can only agree to amendments the majority leader agrees should be offered. That is not right. That is not the Senate.

Let's go ahead and allow the amendments to be offered. If the amendments are wild-eyed and out there, they will surely be defeated. But let's debate the bill. Let's actually have an opportunity to amend the bill with amendments of our own choosing, not somebody else's choosing. That is what this debate is about.

#### PRODUCTION TAX CREDIT

Mr. President, last month the Senate Finance Committee considered legislation to extend a number of expired tax provisions.

We have become so accustomed to extending various tax credits and deductions on a year-by-year basis, we have given this bill the name "tax extenders" when it comes up every year.

Unfortunately, these short-term fixes passed by Congress fail to give any certainty to taxpayers in the future, other than the fact that the government continues to give preferential treatment to certain chosen industries.

Now, rather than blindly extend these provisions, what we ought to do is eliminate these wasteful extenders which are really just subsidies. These benefit just a few. Those that are necessary for the economy let's extend permanently so we don't go through this exercise year after year.

But today I will discuss for a minute one extender that is ripe for elimination—the Production Tax Credit, otherwise known as the PTC.

In 1992, the PTC was temporarily established to promote development of renewable energy—electricity, particularly. This was for the then-fledgling wind power industry.

Congress gave energy producers a lengthy 7-year window to take advantage of and prepare for the eventual expiration of this tax credit in 1999. But as we know, here in Washington, very few of these programs are temporary. So here we are 15 years later, and the PTC is still hanging around.

Since its inception, this credit has been extended eight times. Having expired on January 1 of this year, there is now another effort afoot to resurrect what can only be described as a zombie credit. Do we really need a ninth extension? Wouldn't it be more intellectually honest to decide, if this government's policy is worth it, to simply permanently renew? Yet we go through this exercise year after year.

Last month there was a glimmer of hope that common sense would prevail. The tax extender package put forward by Senator WYDEN and Ranking Member HATCH excluded the PTC—allowing the credit to finally expire so it wouldn't have been part of this package. However, it didn't take long for those who benefit from this government subsidy to activate the rallying cry.

A few short days later, the PTC was back in the package to provide the wind industry 2 additional years, until the end of 2015, to start construction on projects that would be eligible for the subsidy.

According to the Joint Committee on Taxation, this short extension would cost more than \$13 billion over the next 10 years. But this isn't a true cost. Wind producers get to claim the credit for 10 years, beginning on the date of first production, as opposed to the start of construction.

In reality, the Federal Government's financial commitment extends well beyond the 10-year period considered in the JTC's initial estimate. The government will still likely be passing out these credits in 2027 and beyond.

That is a long commitment for a technology that former Energy Secretary Steven Chu said was mature in 2009. In fact, he projected that wind would be cost competitive with other forms of energy without subsidies by the end of this decade.

Wind power generation is no longer an infant industry. It is no longer in need of Federal support. By the end of last year, more than 61,000 megawatts of wind power capacity had been installed around the U.S., which is 15 times the amount that existed in 2001. In 2012, wind power was the top source of new generating capacity, beating out additional capacity from natural gas. The PTC is, in fact, so generous that at times it is more valuable than the wholesale price of electricity. That is a whopper of a subsidy. According to the Congressional Research Service, as a result of government subsidies, there

are times when wind producers actually pay the market to take their power.

Recently, some of my colleagues who support this tax credit have pointed to the growing share of wind power generation in the U.S. and more than 550 wind-related manufacturing facilities around the country which will supply tens of thousands of jobs.

Rather than depicting an infant industry, these advances describe an industry that should be ready to stand on its own two feet.

We all know the U.S. has a \$17.5 trillion debt. All subsidies like this need to be eliminated.

The production tax credit distorts the market by having the government favor one source of energy over another. An ideal energy market is one largely absent of the government's convoluted tax policies. Simply put, no industry's success should be predicated on congressional action.

Instead of extending an energy subsidy that picks winners and losers and creates market inefficiencies, Congress should eliminate the PTC and support an energy policy that encourages entrepreneurs to satisfy demand by providing consumers with alternative sources of energy.

This law has run its course. The PTC should meet its long overdue end.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am very disappointed at the actions of the Senate this evening: that we were not able to come together after all of the work and all of the support from groups across this country for energy efficiency legislation; that we cannot bridge our differences and get this bill done, despite the broad bipartisan support, despite the support of organizations from the U.S. Chamber of Commerce to the National Association of Manufacturers to the NRDC environmental groups to the painters union. We had groups across the political spectrum supporting this legislation—the Alliance to Save Energy, which was really the brain child behind this legislation. Yet we were not able to come together to support a bill that would have made progress on the jobs front, progress on savings for consumers, and progress on preventing pollution.

I thank Senator LANDRIEU, who has chaired the Energy and Natural Resources Committee, and Senator BOXER, chair of the Environment and Public Works Committee, for their kind words about this legislation this evening. I also thank my partner, who worked as hard on this bill as I did, Senator ROB PORTMAN from Ohio, and the good work of both his staff and my staff in trying to move this efficiency agenda forward.

Unfortunately, we saw tonight that differences in this body have prevented positive progress. The reason that is so unfortunate is because energy efficiency is the cheapest, fastest, cleanest

way to address this country's energy demand, because energy that we don't use is energy that we don't have to produce. And efficiency saves money, lessens our dependence on imported energy, decreases pollution, and improves our Nation's global competitiveness.

In addition, energy efficiency investments enable domestic businesses to leverage private capital, to reduce business risks associated with price volatility, to spur economic growth, and to create jobs. All of those are part of this Energy Savings and Industrial Competitiveness Act that Senator PORTMAN and I cosponsored along with a great group of bipartisan sponsors from this body. One of the aspects I like about energy efficiency is that it doesn't matter whether one supports fossil fuels or whether one supports alternative sources of energy; everyone benefits from energy efficiency. In the last 40 years we have saved more through energy efficiency in this country than we have produced through fossil fuels and nuclear power combined. So there is huge potential benefit in energy efficiency, and it is important for us to figure out a way to move this legislation forward.

In the last 3½ years I have visited businesses across New Hampshire—small retail businesses, manufacturing companies, ski areas, apartment complexes, municipal buildings. Today I was at the opening of a new expansion of Airmar Technologies in New Hampshire, a beautiful new facility. They make sensors that go in everything from ships to weather instruments to detect weather. They were very proud that in constructing the new building they made it energy efficient. This is a win-win-win. According to the American Council for an Energy-Efficient Economy, if we pass this bill this year by 2030 we will help create 192,000 jobs, we will save consumers \$16.2 billion a year, and it will be the equivalent of taking 22 million cars off the road, all because we are saving energy.

We ought to all be able to come together behind this. I am not going to quit. I don't think the sponsors of this legislation are going to quit. All of those 260-plus businesses, organizations out there that have been advocating for this bill, are not going to quit because this is legislation that makes sense. It makes sense for job creation, it makes sense for saving on pollution, it makes sense for saving money, it makes sense to our national competitiveness, and we are going to keep at it until we pass this legislation.

I hope politics will stay out of the way; that we will come together, we will agree on amendments we can all vote on, and that we will be able to move forward in a positive way.

I thank the Presiding Officer. I yield the floor.

#### ENERGY SAVINGS

Mr. LEVIN. Mr. President, I am disappointed today that we were unable to